

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of  
himself and other similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United  
States, *et al.*,

Defendants.

CASE NO. C17-00094-RAJ

**STIPULATION FOR ORDER  
REVISING CASE SCHEDULE;  
ORDER THEREON**

WHEREAS on July 9, 2019, the Court entered an order requiring, among other things, that (1) defendants re-redact and produce named plaintiff A-files so as to disclose “why information” originating solely from within U.S. Citizenship and Immigration Services (USCIS); and (2) the parties meet and confer in an effort to reach agreement on the production of a set of unnamed plaintiff A-files smaller in number than the number originally requested by plaintiffs; and

WHEREAS since the July 9, 2019, order, the parties have met and conferred on three occasions to discuss a variety of issues, including defendants’ production of a limited set of A-files of unnamed plaintiffs, logistical problems associated with the production of re-redacted A-files of named plaintiffs, and the impact of those two tasks on the existing case schedule; and

WHEREAS in the meet and confer process, the parties each identified multiple issues that have arisen under the existing case schedule, mostly associated with the speed and timing of the production of relevant discovery, as well as the impact of that timing on their respective abilities to respond to other outstanding discovery, including, but not limited to, the timing of depositions, identification of expert witnesses, and the production of supplemental discovery responses; and

WHEREAS, the parties have negotiated a proposal, set out below, to adjust the case schedule to, among other things, allow defendants to process, and plaintiffs to receive, the re-redacted named plaintiff A-files that the Court has required defendants to produce, the unnamed plaintiff A-files that defendants have agreed in principle to produce, to enable outstanding discovery to be completed and to allow limited discovery to take place going forward, and to establish a deadline for the filing of a certified administrative record with the Court; and

WHEREAS the parties are mindful of their obligations to adhere to the case schedules adopted by the Court, and have been endeavoring to comply, but jointly believe there is good cause for a modification of the case schedule because of the necessities of the case, as summarized above,

NOW THEREFORE the parties through their respective counsel of record do hereby stipulate and agree that the Court may make and enter the following order:

The case schedule established by the Court on April 25, 2019, shall be modified as follows:

|                                                                                                                                                                                                                         |                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| BENCH TRIAL DATE:                                                                                                                                                                                                       | To be set by the Court |
| Length of Trial                                                                                                                                                                                                         | 5 days                 |
| Deadline to file Administrative Record and/or Motion to file Administrative Record Under Seal                                                                                                                           | September 10, 2019     |
| Deadline to Complete Discovery (other than expert discovery and all depositions), which extension does not authorize new written discovery requests (other than requests to admit) or subpoenas for document production | September 27, 2019     |
| Deadline to File Discovery-Related Motions                                                                                                                                                                              | October 18, 2019       |
| Expert Witness Disclosures/Reports Under FRCP 26(a)(2)                                                                                                                                                                  | November 29, 2019      |
| Deadline for Depositions (other than of experts)                                                                                                                                                                        | December 13, 2019      |

|                                                                                                                                             |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Responsive Expert Witness Disclosure/ Reports<br>Under FRCP 26(a)(2) Due                                                                    | January 10, 2020       |
| Deadline to Complete Expert Discovery<br>(including all expert depositions)                                                                 | February 3, 2020       |
| All dispositive motions must be filed on or before<br>March 2, 2020, and noted for March 27, 2020                                           | March 2, 2020          |
| All motions in limine must be filed by and noted on the motion<br>calendar no later than three Fridays thereafter pursuant to<br>LCR7(d)(4) | May 4, 2020            |
| Agreed Pretrial Order due                                                                                                                   | May 15, 2020           |
| Pretrial conference                                                                                                                         | To be set by the Court |
| Trial briefs, deposition designations, and trial exhibits due                                                                               | May 22, 2020           |

**SO STIPULATED.**

DATED: August 2, 2019.

JOSEPH H. HUNT  
Assistant Attorney General  
Civil Division  
U.S. Department of Justice

BRIGHAM J. BOWEN  
Senior Trial Counsel  
Federal Programs Branch

AUGUST FLENTJE  
Special Counsel  
Civil Division

ANDREW C. BRINKMAN  
Senior Counsel for National Security  
Office of Immigration Litigation

ETHAN B. KANTER  
Chief, National Security Unit  
Office of Immigration Litigation  
Civil Division

LINDSAY M. MURPHY  
Senior Counsel for National Security  
Office of Immigration Litigation

BRIAN T. MORAN  
United States Attorney

BRENDAN T. MOORE  
Trial Attorney  
Office of Immigration Litigation

s/ Brian Kipnis  
BRIAN C. KIPNIS  
Assistant United States Attorney  
Western District of Washington

JESSE L. BUSEN  
Trial Attorney  
Office of Immigration Litigation

LEON B. TARANTO  
Trial Attorney  
Torts Branch  
Civil Division

VICTORIA BRAGA  
Trial Attorney  
Office of Immigration Litigation

*Counsel for Defendants*

**SO STIPULATED.**

DATED: August 2, 2019.

s/ Jennifer Pasquarella

Jennifer Pasquarella (admitted pro hac vice)  
ACLU Foundation of Southern California  
1313 W. 8th Street  
Los Angeles, CA 90017  
Telephone: (213) 977-5236  
[jpasquarella@aclusocal.org](mailto:jpasquarella@aclusocal.org)

s/ Matt Adams

Matt Adams #28287  
**Northwest Immigrant Rights Project**  
615 Second Ave., Ste. 400  
Seattle, WA 98122  
Telephone: (206) 957-8611  
[matt@nwirp.org](mailto:matt@nwirp.org)

s/ Stacy Tolchin

Stacy Tolchin (admitted pro hac vice)  
**Law Offices of Stacy Tolchin**  
634 S. Spring St. Suite 500A  
Los Angeles, CA 90014  
Telephone: (213) 622-7450  
[Stacy@tolchinimmigration.com](mailto:Stacy@tolchinimmigration.com)

s/ Hugh Handeyside

s/ Lee Gelernt

s/ Hina Shamsi

Hugh Handeyside #39792  
Lee Gelernt (admitted pro hac vice)  
Hina Shamsi (admitted pro hac vice)  
**American Civil Liberties Union Foundation**  
125 Broad Street  
New York, NY 10004  
Telephone: (212) 549-2616  
[lgelernt@aclu.org](mailto:lgelernt@aclu.org)  
[hhandeyside@aclu.org](mailto:hhandeyside@aclu.org)  
[hshamsi@aclu.org](mailto:hshamsi@aclu.org)

s/ Harry H. Schneider, Jr.

s/ Nicholas P. Gellert

s/ David A. Perez

s/ Cristina Sepe

Harry H. Schneider, Jr. #9404  
Nicholas P. Gellert #18041  
David A. Perez #43959  
Cristina Sepe #53609

**Perkins Coie LLP**

1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
[HSchneider@perkinscoie.com](mailto:HSchneider@perkinscoie.com)  
[NGellert@perkinscoie.com](mailto:NGellert@perkinscoie.com)  
[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)  
[CSepe@perkinscoie.com](mailto:CSepe@perkinscoie.com)

s/ Trina Realmuto

s/ Kristin Macleod-Ball

Trina Realmuto (admitted pro hac vice)  
Kristin Macleod-Ball (admitted pro hac vice)  
**American Immigration Council**  
1318 Beacon St., Ste. 18  
Brookline, MA 03446  
Telephone: (857) 305-3600  
[trealmuto@immcouncil.org](mailto:trealmuto@immcouncil.org)  
[kmacleod-ball@immcouncil.org](mailto:kmacleod-ball@immcouncil.org)

s/ Emily Chiang

Emily Chiang #50517

**ACLU of Washington Foundation**

901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
Telephone: (206) 624-2184  
[Echiang@aclu-wa.org](mailto:Echiang@aclu-wa.org)

*Counsel for Plaintiffs*

///

///

///

**ORDER**

IT IS SO ORDERED.

DATED this \_\_\_\_ day of August, 2019.

\_\_\_\_\_  
RICHARD A. JONES  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Crissy Leininger  
CRISSY LEININGER  
Paralegal Specialist  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: (206) 553-7970  
E-mail: [christine.leininger@usdoj.gov](mailto:christine.leininger@usdoj.gov)